

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

ALLIANCE FOR THE WILD ROCKIES,)	
)	No. 16-35856
Appellant/Plaintiff,)	
v.)	USDC No. 2:16-cv-00294-RMP
)	
JIM PENA, in his official capacity as)	
Regional Forester of Region Six U.S.)	
Forest Service, UNITED STATES)	DECLARATION OF
FOREST SERVICE, an agency of the)	NATALIE ERTZ
United States, and RODNEY SMOLDON,)	
in his official capacity as Supervisor of the)	
Colville National Forest,)	
)	
Appellees/Defendants.)	

Natalie Ertz declares under penalty of perjury as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts stated herein. This declaration is submitted to support the appellant/plaintiff Alliance for

the Wild Rockies' emergency motion for injunction pending appeal, and in reply to the federal defendants' response.

2. I am a member of Alliance for the Wild Rockies, and am also the Executive Director of Wildlands Defense. On October 14, 2016, I attended the oral arguments in *Alliance for the Wild Rockies v. Jim Pena, et al.* in the United States District Court for the Eastern District of Washington in Spokane, WA.

3. On October 15, 2016, I accompanied several individuals on a site visit to observe the conditions at the defendants' Onion Mountain Task Order Project Area in the Colville National Forest. This declaration is based on my observations made during the site visit to Onion Mountain on Saturday, October 15, 2016. I also took photographs during the site visit, and have attached several of the photographs below. Each of these photographic attachments is a true and correct copy of a photo I took on October 15, 2016, within the Onion Mountain project area. (Mr. North also calls this the "Onion Creek Task Order area." 2nd North Dec. at 4, par. 8.)

4. I have read the "Second Declaration of Michael J. North," which was submitted to the Court of Appeals as DktEntry: 9-15. I also looked the photographs attached to Defendants' Response as Exhibit P (DktEntry: 9-17), and described in paragraph 8 of the Second North Decl. The defendants' photographs are not representative of what I saw at the Onion Mountain project site on October 15, 2016.

5. Attachment 1 to this declaration is a photo that accurately shows one of the intersections on the forest road within the Onion Mountain project area, looking east. The location of this road intersection is shown on Attachment 2 to this declaration, which is a true and correct copy of defendants' "Exhibit O" (DktEntry: 9-16) with a red circle added to show location. As

Attachment 1 shows, the forest road was very muddy and deeply rutted, with standing water pooled in some of the ruts.

6. Attachment 3 accurately shows a different part of the same intersection, looking south. The same equipment as shown in Attachment 1 is seen here from a different angle. Again, the road is muddy and deeply rutted.

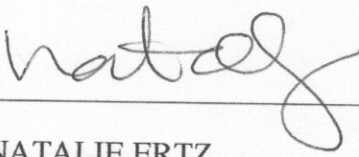
7. Attachment 4 accurately shows a part of the project road heading north from the intersection shown in Attachments 1 and 3. It was difficult to walk here because the road surface was very wet and muddy. I did not see any surface water controls on this road – no ditches, water bars, side drainage, or anything.

8. Attachment 5 accurately shows a feature alongside the Onion Mountain forest road, to the south of the intersection discussed above. As the photo shows, the road side ditch in the center and right side of the photo flows directly into a surface creek flowing down from the background on the left side of the photo. The combined flows then pass through a culvert at the bottom/center-left of the photo. There was nothing in the ditch or along the road, such as silt fences or hay bales, to prevent road runoff or ditch water from flowing directly into the creek.

9. Attachment 6 accurately shows the same feature as Attachment 5, from a different angle. The ditch, in the foreground, flows away from the camera to join the creek, which flows in from the upper right side of the photo. Although it had not rained enough to produce steady runoff while I was there, I saw silt in the ditch and clear indications of past flows into the creek at this point. The culvert opening is just beyond the edge of the photo on the left side of the creek.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 25 day of October 2016 in Hailey, Idaho.



NATALIE ERTZ



Onion Mtn. Stewardship Progress Map

